TO PROTECT AND PROMOTE THE RIGHTS OF INDIVIDUALS WITH DISABILITIES, THROUGH EMPOWERMENT AND ADVOCACY



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THE PROTECTION AND ADVOCACY SYSTEM FOR INDIANA

# IPAS Program Priorities and Objectives

Goals help people focus. Goals are benchmarks by which one can measure success. Every year, the Indiana Protection and Advocacy Services Commission develops and refocuses priorities to determine how its efforts will be directed. This new set of priorities, outlined in detail on the following pages, will be in use from October 1, 2006, to September 30, 2007.

These new priorities are based on input collected during the year and are approved by the IPAS Commission.

These changing priorities also consider new laws that have been passed and the increasing development of technology. Therefore, as you consider these priorities, recognize that each represents a barrier for persons with disabilities, a barrier to having the information, skills, opportunities, and support to:

- Live free of abuse, neglect, financial and sexual exploitation, and violations of legal and human rights.
- Make informed choices and decisions about their lives.
- Achieve full integration and inclusion in society, in an individualized manner, consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual.

Essentially, each priority is designed to reduce barriers and as a result increase opportunities for individuals with disabilities.

Four major resources were used in developing the program priorities:

- IPAS staff considered federal laws such as the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (DD Act) and the Protection and Advocacy for Mentally Ill Individuals Act of 1986. For example, the DD Act provides the Indiana Protection and Advocacy Services Commission with its PADD program, which emphasizes quality assurance, education, early intervention, childcare, health, employment, housing, transportation, recreation, and other service activities. The DD Act then suggests that advocacy, capacity building, and systems change are methods of implementing emphasized areas.
- Next, data was collected from participants of focus groups and individuals that responded to the IPAS priority survey. Approximately 50 percent of respondents to this were primary and secondary consumers. The remaining 50 percent were professionals in the field.
- Any comments offered by interested persons.
- Finally, IPAS staff experience was considered.
   Our experience has always been a reliable barometer of what remains to be accomplished.

## Who is IPAS?

IPAS is an independent state agency separate from all other state agencies and programs. IPAS was established in 1977 in response to federal requirements for a program to advocate for the rights of individuals with developmental disabilities. Since then, more programs have been added to serve the advocacy needs of specific groups of individuals with disabilities.

The Indiana Protection and Advocacy Services Commission is here to defend the rights of citizens with different abilities and extend equal opportunity and empowerment to people with disabilities.

# People with disabilities have rights under the law

Today, there are more than 54 million Americans with disabilities. A disability is a physical or mental impairment that substantially limits one or more major life activities. The U.S. Congress has determined that disabilities are a natural part of the human experience. To help ensure that no one is excluded from participating in the mainstream of society, Congress has enacted laws providing a variety of support services and programs for people with disabilities.

People with developmental or physical disabilities, and/ or mental illnesses, also are protected under the laws that prohibit discrimination, abuse and neglect. Like all Americans, they have the right to live their lives as fully and independently as possible and with the freedom to make their own choices and decisions to the extent that their abilities will allow.

To see that the human, legal and civil rights of people with disabilities are affirmed, Congress established protection and advocacy (P&A) systems in each state. Indiana Protection and Advocacy Services provides advocacy for Indiana citizens. IPAS proudly serves people with disabilities, helping them exercise their right to appropriate treatment, as well as providing training and resources to ensure their inclusion in the life of our communities.

# Too often, individuals with disabilities are:

- Abused or neglected by caregivers;
- Denied appropriate medical, rehabilitation, or psychiatric treatment;
- Denied free and appropriate public educational services;
- Denied physical access to public places and governmental services;
- Discriminated against when trying to obtain employment or housing;
- Denied the ability to make their own decisions and be a fully participating member of their community;
- Denied the assistive technology services or devices they need to be more independent;
- Denied the control of their private information being released without their consent;
- Denied the right to make their own choices as they prepare for employment through Vocational Rehabilitation or Ticket to Work training programs.

# **IPAS** can help by:

- Helping you understand your rights;
- Helping you learn self-advocacy skills;
- Advising you on what steps you can take to secure your rights, such as appealing denials and filing complaints with appropriate governmental agencies;
- Representing you with an IPAS advocacy specialist or IPAS attorney to correct rights violations.

Every year, IPAS represents hundreds of Hoosiers with disabilities in securing their rights to full community participation and helps thousands more through information, referral, education and training services.

# **IPAS Program Descriptions (programs administered by IPAS)**

Indiana Protection and Advocacy Services is the protection and advocacy system in Indiana. IPAS provides protection of the rights of persons with disabilities through legally based advocacy. Each of our federally funded programs has specific criteria regarding who can be served and what services IPAS may offer.

# PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES (PADD)

PADD was created by the Developmental Disabilities Assistance and Bill of Rights (DD) Act of 1975 for individuals who meet the federal definition of developmental disabilities. PADD requires IPAS to pursue legal, administrative, and other appropriate remedies under all applicable federal and state laws to protect and advocate for the rights of individuals with developmental disabilities. The Administration on Developmental Disabilities, Administration for Children and Families, U.S. Department of Health and Human Services, funds PADD.

### **INDIANA'S DEVELOPMENTAL DISABILITIES NETWORK**

IPAS has a collaborative relationship with the Indiana Governor's Council for People with Disabilities and the Institute on Disability and Community. All three programs receive funding through the federal Administration on Developmental Disabilities.

### PROTECTION AND ADVOCACY FOR INDIVIDUALS WITH MENTAL ILLNESS (PAIMI)

Established by the Protection and Advocacy for Individuals with Mental Illness Act of 1986, PAIMI seeks to protect and advocate for the rights of individuals with mental illnesses in both institutional and community settings. The PAIMI program investigates allegations of abuse, neglect, and rights violations for people with mental illnesses. The Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration and the U.S. Department of Health and Human Services administer the program.

### **CLIENT ASSISTANCE PROGRAM (CAP)**

CAP was established as a mandatory program by the 1984 Amendments to the Rehabilitation Act for individuals seeking services from a program or project funded by the Rehabilitation Act. In Indiana, this involves Vocational Rehabilitation Services and Centers for Independent Living. CAP is administered by the Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, U.S. Department of Education.

# **IPAS Program Descriptions** (cont.)

### PROTECTION AND ADVOCACY FOR ASSISTIVE TECHNOLOGY (PAAT)

Created in 1994 when Congress expanded the Technology-Related Assistance for Individuals with Disabilities Act (Tech Act), this program is for individuals with disabilities seeking assistive technology (devices or systems used to improve or maintain the capabilities of persons with disabilities). Designed to promote the provision of assistive technology devices and services through systemic reform, PAAT has the authority to negotiate compliance with federal law. Administration is by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitation Services, and the U.S. Department of Education.

### PROTECTION AND ADVOCACY FOR TRAUMATIC BRAIN INJURY (PATBI)

Created by the Traumatic Brain Injury (TBI) Act authorized as part of the Children's Health Act of 2000, this program's purpose is to expand advocacy services for individuals with traumatic brain injuries and to expand the service delivery system for this group of individuals. PATBI is administered by Health Resources and Services Administration, and the U.S. Department of Health and Human Services.

### PROTECTION AND ADVOCACY FOR VOTING ACCESS (PAVA)

Created in 2002 when Congress enacted the Help America Vote Act (HAVA), IPAS seeks to ensure the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling sites. It is administered by the Administration on Developmental Disabilities (ADD), Administration for Children and Families (ACF), and the U.S. Department of Health and Human Services.

# PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY (PABSS)

PABSS was created by the Ticket to Work<sup>TM</sup> and Work Incentive Improvement Act of 1999 for individuals with disabilities who receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) who want to work or return to work. PABSS provides advocacy for beneficiaries of Social Security who have problems obtaining, maintaining and retaining employment. It is overseen by the Social Security Administration.

### PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS PROGRAM (PAIR)

PAIR was established by Congress as a national program under the Rehabilitation Act 1993 to protect and advocate for the legal and human rights of persons who are not eligible under the other programs—such as those with visual or hearing impairments or those with physical disabilities acquired as an adult. PAIR is administered by Rehabilitation Services Administration (RSA), Office of Special Education and Rehabilitative Services, and the U.S. Department of Education.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

Because IPAS operates by federal mandate and directive from several federal agencies, priorities are established by the IPAS Commission each year. IPAS has the authority to provide legal representation and other advocacy services under federal and state law to people with disabilities based on the following system of priorities for services.

# **Abuse and Neglect**

Freedom from abuse and neglect is a fundamental right. Abuse and neglect prevents individuals with disabilities from leading their lives as fully and as independently as they wish. Working to reduce and eliminate abuse and neglect is one of the primary purposes that Indiana Protection and Advocacy Services Commission was established. Abuse and neglect can be defined in many different ways. In addition to physical harm, financial exploitation, inappropriate restraint or seclusion, lack of or inappropriate treatment may be considered abuse or neglect.

Following are objectives that Indiana Protection and Advocacy Services (IPAS) will work to complete to achieve the overall priority of reducing abuse and neglect of individuals with disabilities.

### STATE-OPERATED FACILITIES

- Review 30 allegations of abuse and neglect on behalf of individuals residing in Intermediate Care Facilities.
- Investigate 33 allegations of abuse or neglect of individuals residing in Indiana Department of Mental Health and Addictions operated mental health facilities.
- Participate in 75 percent of Resident/Human Rights Committee meetings of the facilities operated by the Indiana Department of Mental Health and Addictions.

### STATE-SUPPORTED SERVICES

- Review 30 allegations of abuse and neglect on behalf of individuals receiving Medicaid waiver services.
- Represent three individuals in their appeal of reduced Developmental Disability or Aged and Disabled waiver services when the alleged reduction in services will have a serious and negative impact on the health and safety of the individual, or when the reduction of services places the individual at risk of being placed in a more restrictive setting.
- Represent individuals receiving services via the Medicaid Home and Community-Based Waiver for Children with Serious Emotional Disturbance in challenging a reduction of services which places them at risk of harm.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

## **Abuse and Neglect** (cont.)

- Review complaints on behalf of five individuals with traumatic brain injury and take appropriate action to assure that state supported residential services (TBI waiver) that are provided through the Division of Disability, Aging, and Rehabilitation Services are provided in the least restrictive environment.
- Assure that eligible individuals receive approved Medicaid waiver services within a reasonable time.

### **COMPREHENSIVE MENTAL HEALTH CENTERS**

• Investigate 22 allegations of abuse or neglect of individuals residing in Comprehensive Mental Health Centers.

### RESIDENTIAL CARE ASSISTANCE PROGRAM

• Investigate 12 allegations of abuse or neglect of individuals receiving funding from the Residential Care Assistance Program (RCAP).

### **CRIMINAL JUSTICE**

- Review 15 allegations of abuse and neglect on behalf of individuals incarcerated in the Indiana Department of Correction prisons, county jails or juvenile detention facilities.
- Investigate 10 allegations of abuse and neglect allegations in jails and detention facilities (non DOC facilities).
- Investigate five allegations of abuse and neglect allegations in juvenile detention facilities.

### **RESTRAINT SECLUSION**

- Investigate 12 allegations of inappropriate use of seclusion/restraints.
- Review three incidents when a death occurred during the use of restraint/seclusion.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Abuse and Neglect (cont.)**

### **PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES (PRTF)**

• Investigate 12 incidents of serious occurrences of individuals residing in facilities a designated as a Psychiatric Residential Treatment Facility (PRTF).

### **COMMUNITY**

- Review five allegations of abuse or neglect of individuals with traumatic brain injury and take appropriate action.
- Review allegations of abuse or neglect on behalf of 10 individuals with disabilities (other than mental illness, developmental disabilities, or traumatic brain injury).

### **MONITORING**

- Monitor to document Adult Protective Services involvement in cases of abuse and neglect reported to IPAS.
- Monitor/investigate selected death investigations to document that an investigation was initiated and completed by the responsible state entity.
- Monitor the discharge plans of 20 residents of Fort Wayne State Developmental Center to assure that their plans are accurate and adequately meet the residents' individual needs.

### **GUARDIAN AD LITEM**

• In selected cases, IPAS legal representatives will serve as guardian ad litem, or court-appointed counsel, for six individuals with disabilities to provide additional protection to preserve their rights in the judicial system.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Special Education**

Due to the increased emphasis on school discipline, students with disabilities are at increased risk of termination or reduction of their educational services. Students, parents and advocates need information, support and sometimes individual representation to ensure students with disabilities have access to a free and appropriate education.

The federal Individuals with Disabilities Education Improvement Act of 2004, (IDEA 2004) established the rights of children with disabilities to receive a free and appropriate education. These rights are defined and interpreted under Indiana Article 7, as well as Sections 504 and 508 of the Rehabilitation Act of 1973.

The IPAS Commission has adopted the following objectives that, when achieved, will decrease the numbers of special education students that have had their educational services inappropriately reduced or eliminated.

- Review allegations that educational services have been inappropriately reduced or terminated due to suspension or expulsion on behalf of 55 students to assure their right to receive a Free and Appropriate Public Education (FAPE).
- Represent 36 students in targeted school districts that have been denied educational services or discriminated against under the provisions of the Individuals with Disabilities Education Act or Sections 504 and 508 of the Rehabilitation Act of 1973.
- Review allegations that any educational service(s) have been inappropriately provided or denied, on behalf of five students with traumatic brain injury and take appropriate action to assure their right to receive a Free and Appropriate Public Education (FAPE).

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Equal Access**

Individuals with disabilities continue to experience barriers that prevent them from receiving equal access to public buildings, programs and services, public transportation, and polling places. These barriers include physical inaccessibility to governmental and public places, reluctance on the part of service providers to provide reasonable accommodations, or outright denial of many types of services. Many times denial to provide access or reasonable accommodation is a result of ignorance of both characteristics of disabilities and the laws in place to ensure equal access.

The Americans with Disabilities Act (ADA) guarantees the rights of individuals with disabilities to have equal access to government buildings, programs, and services; transportation services; places of higher education; health care facilities; and restaurants, places of entertainment, and retail stores. The Fair Housing Act prohibits discrimination in housing opportunities on the basis of characteristics such as race or disability. The Help America Vote Act will be fully implemented in 2006 and will assure that individuals with disabilities have an equal opportunity to cast a private vote. The Commission has adopted the following objectives, that when achieved, will decrease the number of individuals who are denied equal access due to disability.

- Review allegations of discrimination on behalf of 50 individuals who have been denied services under the ADA (Titles 2 and 3), or Fair Housing.
- Assist individuals with disabilities in obtaining assistive technology services and devices in the areas of education, health care, employment, community living and in the use of telecommunications.
- Assist or represent individuals with disabilities in the grievance procedure set forth in the Indiana Help America Vote Act plan.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Employment Training**

Historically, individuals with disabilities have experienced a higher rate of unemployment or underemployment, which represents significant barriers to achieving the level of independence and productivity that many people with disabilities wish to achieve. Vocational training and employment supports are often needed to allow persons with disabilities to prepare for jobs that are driven by personal choice and interest.

The following objectives were established to assist individuals seeking or receiving services from Vocational Rehabilitation Services or Centers for Independent Living, including beneficiaries of Social Security who wish to return to work.

- Investigate complaints on behalf of individuals seeking employment services regarding Vocational Rehabilitation Services and Centers for Independent Living eligibility determination.
- Investigate complaints regarding failure of Vocational Rehabilitation Services and Centers for Independent Living in providing choice to individuals seeking services under these programs.
- Monitor the quality and completeness of Individual Plan for Employment documents developed by Vocational Rehabilitation Services as they relate to the individual's identified vocational services and supports as well as choice(s).
- Monitor the quality and completeness of Plan of Services documents developed by the Centers for Independent Living as they relate to the individual's identified services and supports as well as choice(s).
- Review and investigate any complaint of improper or inadequate services provided to a beneficiary by a service provider, employer or other entity involved in the beneficiary's return to work effort.
- Assure that all identified employment networks provide chosen and necessary services to individuals desiring vocational outcomes under the Ticket to Work Program.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Systems advocacy**

IPAS advocates for individuals with disabilities and in doing so, often improve the lives of other Hoosiers with disabilities. The Commission has adopted the following objectives that, when achieved, will promote systems change.

- Provide advocacy services for nine individuals who have allegedly been subjected to disability based discrimination when it is deemed that the case or situation may have systemic implications.
- Strengthen policies and practices affecting the State's response to disability rights issues affecting individuals with disabilities through participation on committees, groups and task forces.
- Strengthen policies and practices regarding resident rights through participation on at least 75 percent of Resident/Human Rights Committee meetings of state operated developmental disabilities facilities and those operated by the Indiana Department of Mental Health and Addictions.
- Advocate for the adoption and implementation of state standards regarding the annual medical health assessments of individuals with mental illness.
- Advocate for the adoption and implementation of rules by the Department of Education concerning the application and staff training regarding minimal standards to guide the use of restraint and/or seclusion in the schools.
- Advocate for the adoption and implementation of rules by the Division of Family and Children revise rules prohibiting restraint and seclusion in Children's Homes and Child Caring Institutions.
- Review selected Vocational Rehabilitation Services' policy to assure compliance with the Rehabilitation Act of 1973 As Amended.
- Report any identified deficiencies related to the employment networks to the Program Manager, Maximus regarding deficiencies related to employment networks.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# Information, education and training about disability rights and technical assistance concerning the exercise of these rights.

Providing timely and accurate information about disabilities and disability rights to people that contact IPAS is a fundamental service provided by the Indiana Protection and Advocacy Services. The following objectives have been adopted to ensure that valuable service continues.

- Respond to requests for information and referral and technical assistance to individuals with disabilities, their families, and professionals about disability rights and provide information and technical assistance concerning the exercise of these rights.
- Provide information and referral to Social Security beneficiaries about work incentives and employment, including information on the types of services and assistance that may be available to assist them in securing or regaining gainful employment, particularly services and assistance available through employment networks under the Ticket to Work and Self-Sufficiency Program.
- Respond to requests for information and referral and technical assistance to individuals with disabilities, their families, and professionals about assistive technology.

### INCREASE AWARENESS AND EFFECTIVE SELF-ADVOCACY

It is the mission of the Indiana Protection and Advocacy Services Commission to protect and promote the rights of individuals with disabilities through empowerment and advocacy. The following objectives were adopted to increase awareness about disabilities and disability rights and to increase the effectiveness of self advocates.

### **TRAINING**

- Conduct two treatment rights training events for guardians or residents of Fort Wayne State Developmental Disabilities Center.
- Conduct one statewide conference regarding resident rights issues.
- Conduct training concerning the civil/disability rights of individuals with mental illness for family members.
- Conduct resident rights training for consumers at selected Comprehensive Mental Health Centers.

### **DEVELOP AND PROVIDE INFORMATION**

Timely and accurate information is critical to effective self-advocacy. The IPAS Commission has adopted the following objectives to assist individuals with disabilities, their families and other advocates to be effective self-advocates.

- Provide education and training about disability rights and IPAS to individuals with developmental disabilities, parents, guardians, advocates, and/or service program providers.
- Provide education and training regarding IPAS and disability rights through participation in two events related to abuse or neglect.
- Provide education and training regarding IPAS and disability rights through participation in two events related to the provision of childcare.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# Information, education and training about disability rights (cont.)

- Provide education and training regarding IPAS and disability rights through participation in at least two events related to the ADA or the Fair Housing Act.
- Provide education and training regarding IPAS and disability rights through participation in two events related to special education.
- Provide education and training to increase the self-advocacy skills of individuals with disabilities, their families, and other advocates to enable them to obtain assistive technology services and devices.
- Respond to requests for training and information regarding the Help America Vote and Americans with Disabilities Acts, and voter identification requirements.
- Develop and distribute information concerning voter registration, access to polling places and the right to cast a vote, including information regarding the state's grievance procedure and the role of IPAS in representing individuals.
- Support education and training efforts of consumer based organizations to increase awareness of disability rights.

# **Community Support and Outreach**

IPAS encourages community-based efforts to reach individuals with disabilities, families and service providers. By disseminating information and partnering with other groups who have a similar mission IPAS can focus on community-wide education and awareness.

- Disseminate information regarding disability rights and IPAS at two events related to the provision of childcare for all children including children with developmental disabilities.
- Support the education and training events supported by a consumer based organizations for consumers to increase their awareness of disability rights.
- Support the creation of a Crisis Intervention Team program in an Indiana Law Enforcement entity.
- Participate in events related to fair housing and housing discrimination attended by consumers, family members and/or service providers.
- Develop and disseminate transition materials to all transition aged students, aged 14 years through 22 years, in three Indiana school districts.
- Provide information about traumatic brain injuries and disability rights to those entities serving individuals with traumatic brain injury.
- Assist the Brain Injury Association of Indiana (BIAI) in planning and sponsoring of the Annual BIAI Conference as well as three regional conferences.
- Keep current regarding changes in associative technology through participation at one assistive technology national conference as program funds allow.

OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007

# **Agency-Wide Priority and Objectives**

IPAS staff works to assure provision of high quality and advocacy services. Additionally IPAS strives to increase awareness about disabilities and disabilities rights to minority populations and to members of the general public.

The IPAS Commission has adopted the following objectives to assure quality advocacy services and increase awareness of disabilities and disabilities rights.

- Maintain or exceed 85 percent on affirmative ratings of all responses on all assessed parameters
  of the mailed Information and Referral Customer Satisfaction Survey and the mailed Customer
  Satisfaction Survey for closed cases.
- Publish biannual IMPACT newsletter.
- Develop and disseminate information regarding disability rights.
- Continue development of Web site as empowerment tool for individuals and families.
- Implement five projects targeted to outreach to minority and underserved individuals with disabilities, concerning disability rights issues, IPAS services and successes.
- Solicit input by posting priorities on the agency Web site with multiple means of submitting comments, publish annual Priorities Edition of IMPACT, and provide opportunity for members of the public to comment about priorities and objectives

# **Opportunity for public comment**

- Solicit input by posting priorities on the agency Web site with multiple means of submitting comments.
- Publish annual Priorities Edition of IMPACT, indicating that comments are welcomed.
- Provide annual opportunity during public Commission meeting to receive comments and suggestions.

### YOUR FEEDBACK IS APPRECIATED

We want to hear your comments, concerns, and suggestions regarding our current priorities, and suggestions for any future agency priorities. Send your suggestions to IPAS by mail or via e-mail to Gary Richter at grichter@ipas.IN.gov.

### **IPAS COMMISSION**

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### MEMBER RECRUITMENT

IPAS is always looking for new Commission and Advisory Council members to help serve the needs of individuals with disabilities. Commission members must have a commitment toward promoting the legal and civil rights of persons with developmental disabilities, mental illness or other disabilities, and to the cause of protecting and promoting those individuals' rights to make their own personal choices.

The IPAS Commission consists of 13 members. The governor appoints four. The remainder are appointed by majority vote of the membership. Commission members serve three-year terms. For more information contact 800.622.4845 or TTY: 800.838.1131.

The Mental Health Advisory Council consists of 10 members appointed by the governor to serve a nonrenewable four-year term.

\*GUBERNATORIAL APPOINTMENT

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These contents are solely the responsibility of the grantee and do not necessarily represent the official views of state or federal government.



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